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Title: Chief Administrative Office, Facilities Division, recommending the Board find and declare that the County owned real properties located at 515 & 525 Main Street, Placerville are exempt surplus land.

FUNDING: N/A

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
2/9/2021	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Facilities Division, recommending the Board find and declare that the County owned real properties located at 515 & 525 Main Street, Placerville are exempt surplus land.

FUNDING: N/A

DISCUSSION / BACKGROUND

On May 8, 2018, the Board declared the real property located at 515 & 525 Main Street, Placerville as surplus and directed staff to begin the process of sale or disposition of the property. The buildings on the property were previously used as offices for the District Attorney and have remained vacant since December 2017 and no longer needed for County’s use.

New legislation which took effect on January 1, 2020 (AB 1486) amended the Surplus Land Act (Government Code Section 54220 et seq.). The Act requires that before a local agency takes any action to dispose of property, it must be declared as either “surplus land” or “exempt surplus land” as supported by written findings. Beginning January 1, 2021, local agencies are also required to report to the California Department of Housing and Community Development (“HCD”) a description of the notices of availability transmitted, a summary of negotiations conducted with entities responding to the notice, and any restrictions proposed to be recorded against the property upon disposition, including affordability covenants. HCD has 30 days to notify the local agency if it is in compliance with the disposition procedures. The local agency has 60 days to cure and correct any violations before HCD may assess a penalty. For a first violation, HCD may impose a monetary penalty of 30% of the sales price and 50% for any subsequent violation.

Property that qualifies as “exempt surplus land” is not subject to the Surplus Land Act disposition procedures. Pursuant to HCD Guidelines, a local agency that determines that property is exempt surplus land is required to provide a copy of the written determination to HCD at least 30 days prior to the disposition.

Although the Board had declared the 515 & 525 Main Street properties as surplus, it was done prior to the amendments to the Surplus Land Act. While the disposition process that the County used primarily aligns with changes in the state law, any proposed transfer of the property has yet to be concluded and given the additional notification requirements which became effective this year, re-designating the properties as “exempt surplus land” at this time would make it consistent with the current version of the Surplus Land Act requirements. Any agreement for the sale of the properties will be brought to the Board for consideration at a future date.

Findings - Exempt Surplus Land

One of the exemptions in the Surplus Land Act Property is Government Code Section 54221(f)(1)(G) which provides that property that is subject to valid legal restrictions not imposed by the local agency and would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site, is considered “exempt surplus land.” The 515 and 525 Main Street properties are located in the downtown area of the City of Placerville within the Central Business District zone. The City’s zoning restrictions for the Central Business District limits allowable uses to retail sales, eating and drinking establishment, hotels and motels, business and professional offices, institutional uses, government facilities, and similar and compatible uses. In addition, the buildings are of general historical interest and are generally known as the Old WPA Post Office and historic Telephone Annex. Due to the historic significance of the buildings, any proposed conveyance to a nonprofit involved with researching and preserving county history is also subject to the statutory restrictions of Government Code Section 25376 requiring the preservation or restoration of the historical nature of the properties. Given that the properties are subject to valid zoning and covenant restrictions that are not imposed by the County, the properties qualify as “exempt surplus land” pursuant to Government Code Section 54221(f)(1)(G).

Alternatively, if the County were to transfer the properties to another local, state, or federal agency for that agency’s use, the properties would also qualify as “exempt surplus land” pursuant to Government Code Section 54221 (f)(1)(D).

ALTERNATIVES

Should the Board decline to declare the properties as exempt surplus, the properties cannot be disposed of absent full compliance with the current Surplus Land Act requirements.

PRIOR BOARD ACTION

May 8, 2018; Legistar File 18-0707; Item No. 5: The Board made findings that the real property located at 515 & 525 Main Street, Placerville, is not required for public use and declared the property as surplus

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no financial impact as a result of finding that 515 & 525 Main Street, Placerville are exempt surplus land.

CLERK OF THE BOARD FOLLOW UP ACTIONS

NA

STRATEGIC PLAN COMPONENT

Infrastructure / Good Governance

CONTACT

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